

IC 15-2.1-3

Chapter 3. Board of Animal Health

IC 15-2.1-3-1

Creation

Sec. 1. Creation. The Indiana State Board of Animal Health is established.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-3-2

Membership

Sec. 2. The board shall be composed of eleven (11) members as follows:

(1) One (1) member shall be appointed by the governor from the school of veterinary medicine of Purdue University upon the recommendation of the Purdue University board of trustees.

(2) Two (2) members shall be appointed by the governor and must be graduates of a veterinary college accredited by the American Veterinarian Medical Association licensed and accredited to practice veterinary medicine and surgery in the state of Indiana, have not less than five (5) years' experience in veterinary medicine, and actually be engaged in the general practice of veterinary medicine during their service as members of the board; such members may not be adherents of the same political party.

(3) Seven (7) members shall be appointed by the governor and must be producers of livestock or poultry who are actually engaged in livestock or poultry production during their service as members of the board; one (1) member must be engaged in poultry production; one (1) member must be engaged in dairying; one (1) member must be engaged in swine production; one (1) member must be engaged in beef-type cattle production; one (1) member must be engaged in horse production; one (1) member must be engaged in sheep production; and one (1) member must be engaged in small animal veterinary medical practice and shall be a veterinarian licensed and accredited to practice veterinary medicine and surgery in the state of Indiana and who has been so licensed and accredited not less than five (5) years; no more than four (4) of such seven (7) members may be adherents of the same political party.

(4) One (1) member shall be appointed by the governor and must be affiliated with a licensed livestock market.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.13; P.L.96-1984, SEC.1.

IC 15-2.1-3-3

Conflict of interest

Sec. 3. Conflict of Interest. No member of the board may be directly or indirectly interested as director, officer, salesman or employee of any person engaged in the manufacture or sale of any

commercial product, by-product or biological product affecting the livestock industry.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-3-4

Compensation

Sec. 4. Compensation. The members of the board shall receive per diem and transportation expense as provided by law when engaged upon their official duties.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-3-5

Term

Sec. 5. Term. The term of each member of the board is four (4) years beginning on April 1 of the appropriate year. Each member shall serve until his successor is appointed and qualified. No person, except the member of the school of veterinary medicine of Purdue University is eligible to serve as a member of the board for more than two (2) consecutive full terms.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.14.

IC 15-2.1-3-6

Expiration of terms

Sec. 6. (a) The terms of the member engaged in dairying and the member engaged in swine production pursuant to section 2(3) of this chapter shall expire on March 31, 1984, and every four (4) years thereafter.

(b) The terms of the member engaged in poultry production and the member engaged in sheep production pursuant to section 2(3) of this chapter and of one (1) veterinarian member pursuant to section 2(2) of this chapter shall expire on March 31, 1985, and every four (4) years thereafter.

(c) The terms of the member engaged in horse production pursuant to section 2(3) of this chapter and of the member affiliated with the licensed livestock market pursuant to section 2(4) of this chapter shall expire on March 31, 1986, and every four (4) years thereafter.

(d) The terms of the member engaged in beef-type cattle production and the member engaged in small animal veterinary medical practice pursuant to section 2(3) of this chapter and of one (1) veterinarian member pursuant to section 2(2) of this chapter shall expire on March 31, 1987, and every four (4) years thereafter.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.96-1984, SEC.2.

IC 15-2.1-3-7

Appointment of successor

Sec. 7. At least thirty (30) days before the expiration of the term of office of a member of the board, the governor shall appoint a

successor.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.70.

IC 15-2.1-3-8

Vacancies

Sec. 8. Vacancies. In the event of a vacancy, the governor shall immediately appoint a successor to complete the unexpired term.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-3-9

Officers

Sec. 9. Officers. Each year at its April meeting a chairman and a vice-chairman shall be elected by the board from its membership, each to serve in such position for a term of one (1) year. The state veterinarian shall serve as secretary of the board.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-3-10

Meetings; quorum

Sec. 10. The board shall hold quarterly meetings at the office of the board in the city of Indianapolis, in the months of January, April, July, and October of each year, and may hold special meetings upon the call of the chairman or a majority of the members of the board. Six (6) members of the board shall constitute a quorum to transact business.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1979, P.L.17, SEC.19; P.L.95-1992, SEC.3.

IC 15-2.1-3-11

Duties, generally

Sec. 11. The board shall have general supervision of the prevention, suppression, control, and eradication of infectious, contagious and communicable diseases affecting the health of animals within and in transit through the state and the production, manufacture, and processing and distribution of products derived from animals to control health hazards that may threaten the public health and welfare of the citizens of Indiana.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.71.

IC 15-2.1-3-12

Powers, generally

Sec. 12. Powers, Generally. The board shall possess all powers necessary to fulfill its duties as prescribed in this article.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-3-13

Powers and duties

Sec. 13. In addition to the powers and duties given the board

elsewhere in this article and otherwise by law, the board shall have the powers and duties as are reasonable and necessary to do the following:

- (1) Provide for the quarantine of animals affected with or that have been exposed to an infectious, contagious, or communicable disease.
- (2) Provide for and control the establishment and maintenance of accredited, certified, validated, or otherwise designated disease free or disease monitored herds, flocks, or areas, including but not limited to the following:
 - (A) The control and accreditation of herds that are free of disease syndromes.
 - (B) The establishment and maintenance of certified or validated brucellosis free herds and areas.
 - (C) The establishment and maintenance of accredited tuberculosis free herds and areas.
 - (D) The establishment and maintenance of validated, monitored, certified, or other disease statuses for herds and areas.
- (3) Provide programs and plans for the prevention, control, and eradication of infectious, contagious, or communicable diseases in animals.
- (4) Control or prohibit the movement and transportation into, out of, or within the state, of animals and the products of animals that are diseased, suspected to be diseased, or under quarantine, or that originate from a country, state, or other area that is known to harbor animals infected with a disease.
- (5) Control the public and private sale of animals in order to prevent the spread of disease.
- (6) Control the sanitation and disinfection of public stockyards and the sanitation and disinfection of vehicles used as public carriers for the transportation of animals into and within the state.
- (7) Control the sanitation and disinfection of the premises, buildings, sheds, lots, and other places or enclosures where diseased animals have been confined.
- (8) Control the movement of animals to and from premises where infectious, contagious, or communicable diseases exist or of material that may carry or spread disease.
- (9) Control the disposal of carcasses of animals.
- (10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs for human consumption regulated under IC 16-42-19, to be used for the prevention, control, and eradication of disease in animals.
- (11) Prescribe the means, methods, and procedures for and otherwise control the vaccination and the conduct of tests for disease of animals.
- (12) Provide for the identification of animals that have been condemned for slaughter under provisions of this article, and

for the identification of animals that have and have not satisfactorily passed tests established for detecting the presence of an infectious, contagious, or communicable disease.

(13) Establish the terms and method of appraisal of animals condemned for slaughter under provisions of this article, the payment of any indemnities that may be provided for such animals, and the regulation of the sale of such animals.

(14) Control the sale of baby chicks.

(15) Cooperate and enter into agreements with the appropriate departments and agencies of this state, of any other state, or of the federal government for the purpose of preventing, controlling, and eradicating infectious, contagious, and communicable diseases of animals.

(16) Control or prohibit the movement and transportation into, out of, or within the state, of wild animals or birds that might carry or disseminate diseases to animals or birds in Indiana.

(17) Provide for condemning or abating conditions causative of disease in animals.

(18) Establish and designate, in addition to the disease testing service laboratory at Purdue University, other laboratories as may be necessary to make tests of any nature for disease.

(19) Cause investigations to be made as to the best methods for the prevention, control, suppression, or eradication of contagious, infectious, or communicable diseases affecting animals.

(20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any licensee, permittee, applicant for a license, or applicant for a permit.

(21) Institute legal action in the name of the state of Indiana as is necessary to enforce its orders and regulations and the provisions of this article.

(22) Control the collection, transportation, and cooking of garbage to be fed to swine and all matters of sanitation relating thereto affecting the health of swine or affecting public health and comfort.

(23) Adopt an appropriate seal.

(24) Issue orders as an aid to enforcement of the powers granted it by this article.

(25) Control disposal plants and byproducts collection services and all matters connected thereto.

(26) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of slaughter as a result of treatment or exposure; and

(B) are found by the board to be or have the potential of being injurious to the health of animals or humans.

(27) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten the public health and welfare of the citizens of Indiana and the trade in animals and animal products

in and from Indiana.

(28) Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as they relate to animals in Indiana.

(29) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.

(30) Assist organizations that represent livestock producers with issues and programs related to the care of livestock.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.15; Acts 1982, P.L.15, SEC.24; P.L.95-1992, SEC.4; P.L.2-1993, SEC.125; P.L.124-2001, SEC.72.

IC 15-2.1-3-13.5

Delegation of duties to state veterinarian

Sec. 13.5. The board may delegate any of its duties to the state veterinarian, except the following:

(1) The duty to supervise the state veterinarian.

(2) The duty to hold hearings in accordance with this article and IC 4-21.5.

(3) The duty to adopt rules.

As added by P.L.165-1985, SEC.6. Amended by P.L.7-1987, SEC.59.

IC 15-2.1-3-14

Inspections; powers to enter private and public property

Sec. 14. The board or its agent may make sanitary inspections and surveys in all parts of this state, and shall have the right to enter upon any public or private property where any animals are at the time quartered, or wherever the carcass of any animal may be, for the purpose of inspecting such property, examining such animals, conducting tests in regard to the presence of an infectious, contagious, or communicable disease of animals and the possible cause and sources of such disease, and for performing any other function authorized by this article.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.16; P.L.124-2001, SEC.73.

IC 15-2.1-3-15

Subpoena power

Sec. 15. The board, over the signature of the chairman or another board member authorized by the board, may do the following to accomplish the board's objectives:

(1) Subpoena and bring before the board any person or persons in this state and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage, and in the same manner as prescribed by law in judicial procedure, in civil cases, in circuit courts, of Indiana.

(2) Subpoena and order any person to provide to board personnel for inspection and copying records, photographs, and any other type of document or data compilation, or to allow

access for inspection, copying, testing, sampling, analysis, or treatment to any tangible thing, including animals, carcasses of animals, animal feed, and meat, dairy, and other human food products.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.74.

IC 15-2.1-3-16

Power to administer oaths

Sec. 16. Power to Administer Oaths. Any authorized agent of the board may administer oaths to witnesses at any hearing which the board is authorized by law to conduct.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-3-17

Reports

Sec. 17. Reports. The board may require, by general or special order, licensees and permittees under this article to file with the board, in such form as may be prescribed, annual, periodic, or special reports or answers, in writing, to specific questions for the purpose of furnishing information concerning the business conduct of the licensee or permittee, the practices and management of the business of the licensee or permittee as it relates to other persons in the same business; further, the board may require that the reports and answers be made under oath and filed within a reasonable period of time if such requirements are deemed essential by the board.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-3-18

Federal laws, rules, and regulations; effect

Sec. 18. The board may, in behalf of the state, accept or adopt, in whole or in part, federal laws, including rules and regulations adopted by agencies of the United States that are necessary or helpful in fulfilling the board's duties under this article. The board may cooperate with the authorities of the United States government within this state in enforcing state and federal laws.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.75.

IC 15-2.1-3-19

Adoption of rules necessary to discharge duties

Sec. 19. In accordance with the Indiana laws concerning the establishment and adoption of rules, the board shall adopt rules that are reasonable and necessary to discharge the duties imposed on it by law and otherwise to implement the provisions of this article and IC 15-5-14.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.76.

IC 15-2.1-3-20

Funds received from sources other than the state

Sec. 20. The board may accept, use, and expend funds or other resources from sources other than the state if:

- (1) the resources are awarded for the pursuit of a specific objective that the board is authorized to accomplish under this article or that the board is qualified to accomplish by reason of its jurisdiction or professional expertise;
- (2) the resources are expended for the pursuit of the objective for which they are awarded;
- (3) activities connected with or occasioned by the expenditure of the resources do not interfere with or impair the performance of the board's duties and responsibilities and do not conflict with the exercise of the board's powers and duties as specified by this article;
- (4) monetary resources are kept in separate accounts in the state treasury; and
- (5) reports of the board's receipt and use of the resources are prepared periodically.

As added by P.L.124-2001, SEC.77.

IC 15-2.1-3-21**Allowable adoptions of rules**

Sec. 21. (a) Notwithstanding IC 15-2.1-2-21.2, the board may adopt by rule a different definition of "herd" in order to advance a disease control program or objective.

(b) Notwithstanding IC 15-2.1-2-29.7(5), the board may adopt rules concerning livestock products that are not in containers to establish the circumstances under which those products are not considered misbranded.

(c) Notwithstanding IC 15-2.1-2-29.7(5)(B), the board may adopt rules concerning small containers to establish variations or exemptions from label quantity statements under which the containers are not considered misbranded.

(d) Notwithstanding IC 15-2.1-2-29.7(9)(B), the board shall adopt rules to establish exemptions for product labels that do not bear the common or usual name of each ingredient in a product fabricated from at least two (2) ingredients under which the products are not considered misbranded if listing the common or usual name of each ingredient is impracticable or results in deception or unfair competition.

(e) Notwithstanding IC 15-2.1-2-29.7(11), the board shall adopt rules to establish exemptions for products that bear or contain artificial flavoring, artificial coloring, or a chemical preservative under which the products are not considered misbranded if the products do not bear or contain a label stating that the products bear those substances if stating that fact is impracticable.

As added by P.L.124-2001, SEC.78.